

## **REMARKS**

Applicants respectfully request entry of the following amendments and remarks contained herein in response to the non-final Office Action mailed June 1, 2005. Applicants respectfully submit that the amendment and remarks contained herein place the instant application in condition for allowance.

Upon entry of the amendments in this response, claims 1 and 40 are amended, and claims 1 – 20 and 39 – 52 remain pending. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

### **I. Examiner Interview**

Applicants first wishes to express his sincere appreciation for the time that Examiner Abdi spent with Applicants' Attorney, Jeff Kuester, during a telephone discussion on October 28, 2005. During that conversation, Examiner Abdi seemed to indicate that it would be potentially beneficial for Applicants' to make the amendments contained herein. More specifically, U.S. Patent Publication No. 2002/0091767 A1 to Michael J. Munson (hereinafter, "*Munson*"), was discussed with regard to claim 1, but no agreement was reached. Applicants respectfully request that Examiner Abdi carefully consider this response and the amendments.

### **II. Rejection Under 35 U.S.C. §112**

The Office Action indicates that claim 40 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject

matter which applicants regard as the invention. Through the foregoing amendments, Applicants have amended claim 40 and submit that this rejection is now moot. However, Applicants do not admit that the amendments to claim 40 are provided for purposes of patentability or that the amendments result in a narrowing of the claim scope.

### **III. Rejections Under 35 U.S.C. §101**

The Office Action indicates that claims 1-4, 6-7, 9, 14-17, and 19 stand rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Through the foregoing amendments, claim 1 has been amended to insert, “electronically” in order to provide cosmetic clarification. Thus, while this rejection is now considered moot, Applicants again do not admit that the amendment is provided for purposes of patentability or that the amendment results in a narrowing of the claim scope.

### **III. Rejections Under 35 U.S.C. §102(e) and 35 U.S.C. § 103 (a)**

The Office Action indicates that claims 1 and 39 stand rejected under 35 U.S.C. §102(e) as being anticipated by *Munson*. Though it is not completely clear, the remaining claims appear to be rejected under 35 U.S.C. § 103 (a) as being unpatentable over *Munson*. In response, Applicants respectfully traverse these rejections on the grounds that *Munson* does not disclose, teach, or suggest all of the elements of claims 1 and 39, and the remaining claims include additional elements that further justify allowance of the present application.

As discussed during the above-referenced Examiner Interview, even if *Munson* discloses the first step of claim 1, which Applicants do not necessarily admit, the remaining steps of claim 1 are not shown. As shown in FIGS. 49 and 50 of *Munson*, the request for proposal (RFP) process

includes buyers creating RFPs that are provided to sellers, who then create proposals that are responsively communicated back to the buyers. Applicants submit that even if the proposals are considered analogous to the claimed requests for sponsorships, which Applicants do not necessarily admit, there is no disclosure in *Munson* of any of the remaining claim elements, i.e., “responding to the request by sending one of an approval and a rejection; responsive to an approval being sent to the requestor, sending a request to the requestor to accept an agreement; and responsive to receiving the requestor’s acceptance of the agreement, providing the requestor with access to sponsor content through the site.” Consequently, Applicants submit that claims 1 – 20 are allowable.

With regard to claim 39, Applicants contend that there is no mention in the Office Action of how *Munson* allegedly discloses various claimed elements, including, among others, “receiving, at the site, from the requestor, a name of a contact person who directed the requestor to the site.” Furthermore, Applicants submit that *Munson* does not disclose “providing the requestor with access to protected content of the sponsor.” There is simply no disclosure of any sponsor content that is otherwise “protected” becoming accessible if a request for sponsorship is approved. Accordingly, Applicants submit that claims 39 – 52 are also allowable.

The dependent claims 2 – 20 and 40 – 52 also include additional elements that provide additional support for patentability, and Applicants do not agree with the interpretations of *Munson* in the Office Action as applied to the pending claims. For example, among others, Applicants submit that *Munson* does not disclose any monitoring or analysis of actual content use. Furthermore, Applicants note that the Office Action includes various unsupported findings regarding information alleged to be customary, standard and well-known, i.e., “customary to inspect the material that would be presented at the event...”, “standard practice of banks [to]

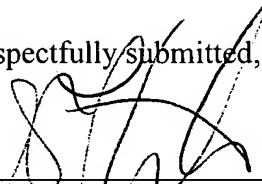
forward PN numbers via mail to a user...”, and “well known practice in the art to track and authorize the people accessing a database of items that can be copied...” Applicants traverse these conclusions and request evidence in support thereof. Furthermore, these and any other findings of well-known art, and any findings of official notice, or statements interpreted similarly, should not be considered well known for at least the specific and particular reason that the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

## CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that the now pending claims 1 – 20 and 39 – 52 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



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